



**Final Regulation
Agency Background Document**

Agency name	Department of Labor and Industry
Virginia Administrative Code (VAC) citation	16 VAC 20-20
Regulation title	Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia
Action title	This amendment makes language changes to clarify Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia.
Date this document prepared	March 13, 2008

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The amendments add new definitions and clarifying language. Some language has been changed to update phrasing. For example, the phrase “Supervisor of apprentices” will be deleted and, in its place, will be added “Coordinator of Apprenticeship.”

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On September 21, 2006, the Virginia Apprenticeship Council (Council) voted to approve the required periodic review of the *Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia* 16 VAC 20-20-20. At the conclusion of the regulatory review, the Department of Labor and Industry recommended to the Council that this regulation be amended. The Council’s Ad Hoc Subcommittee met February 5, 2007 to review the regulation and discuss proposed amendments. On March 15, 2007, the Council approved the subcommittee’s suggested amendments to the *Regulations Governing the Administration of*

Apprenticeship Programs in the Commonwealth of Virginia 16 VAC 20-20-20.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including, (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The Virginia Voluntary Apprenticeship Act of April 1938 was passed by the General Assembly following passage of the National Apprenticeship Act (Fitzgerald Act) by Congress in 1937. The intent of the statute was to create a recognized method of training the skilled workforce needed by manufacturers, the construction industry, defense industries, and the shipbuilding industry.

The Code of Federal Regulations, Title 29, Part 29, Labor Standards for the Registration of Apprenticeship Programs, was published in the Federal Register in 1977, and set minimum standards that would have to be met by each state's council or agency to maintain or obtain recognition as a registration agency. Virginia's Voluntary Apprenticeship Act of 1938 was amended in 1978, so that the Virginia Apprenticeship Council would remain the authorized agency to register apprenticeship programs and apprentices in Virginia.

Sections 40.1-117 and 40.1-118 of the Code of Virginia require the Apprenticeship Council to establish standards for apprenticeship agreements. These standards shall not be lower than those prescribed by Chapter 6 of Title 40.1 and those established pursuant to Article 3 of Chapter 11 of Title 54.1. This regulation defines those standards and does not exceed minimum requirements of state or federal mandates.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

Although this regulation is mandated by the Code of Virginia (Sections 40.1-117 and 40.1-118), the Department has also determined that this regulation is essential to protect the health, safety, and welfare of the citizens of Virginia. To that end, the regulation has three goals, which are listed below.

1. To protect the economic welfare of Virginia's citizens by maintaining a highly skilled workforce to compete globally in a changing economy.
2. To provide a method of transition from school to work for high school graduates.
3. To protect public health, safety and welfare with the least possible intrusiveness and cost to citizens and businesses within Virginia.

Virginia remains competitive in construction, manufacturing, and shipbuilding industries. The Commonwealth's skilled workers contribute to national defense and make Virginia a viable choice of location for both industry and corporate headquarters. Graduates in such varied service areas as cosmetology, barbering, nail technicians, opticians, and culinary occupations contribute to the skilled workforce. During the last three years, an average of more than 1,650 graduates per year have completed apprenticeship training in Virginia. In addition, apprenticeship training has produced many entrepreneurs who now operate businesses in Virginia.

Traditional apprenticeship and student apprenticeship programs also facilitate transition from school to work for high school graduates. Student apprenticeships permit students to begin their training as part-time employees in local businesses and industries, while they attend academic and vocational classes. For Virginia's high school graduates who do not attend a four-year college, this seamless process, which eases them into the workforce, helps Virginia to compete in a globally changing economy. At the end of the process, these skilled workers will earn reasonable incomes, which will enable them to support themselves and their families. They will support the economy by purchasing goods and services. They will contribute to the financial stability of the Commonwealth by paying taxes.

Furthermore, properly managed apprenticeship programs protect public health and safety by assuring that the training is conducted according to approved safety and health standards. In addition, training that meets approved standards for compensation of apprentices protects the public welfare and well-being of Virginia's citizens.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

There are amendments to several subsections of the regulation.

16VAC20-20-20. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Apprentice" means a person as defined by [§40.1-120](#) of the Code of Virginia. Virginia Apprenticeship Council considers all registered apprentices as apprentices until such times as the apprentices have either satisfactorily completed their apprenticeship program or have been cancelled by the sponsor from the apprenticeship program.

"Apprenticeable occupation" means an occupation as defined by [§40.1-120](#) of the Code of Virginia.

"Apprenticeship agreement" means a written agreement between an apprentice and a program sponsor, which agreement shall meet the criteria outlined in 16VAC20-20-50.

"Apprenticeship Council" or "council" means the Virginia Apprenticeship Council established pursuant to [§40.1-117](#) of the Code of Virginia.

"Apprenticeship program" means a written plan conducted or sponsored by an employer, an association of employers, a joint apprenticeship committee or an organization of employees, which contains all terms and conditions as outlined in this chapter.

"Commissioner" means the Commissioner of the Virginia Department of Labor and Industry.

"Coordinator of apprenticeship" means the person designated by the sponsor to perform the duties outlined in the standards of apprenticeship.

"Job site" means:

Construction: New/renovation with an approved building permit, plan of development, contract number, or contractual agreement.

Nonconstruction: The physical area within the walls that services are offered. The location that is identified on the license issued by the licensing board and/or the political locality.

"Sponsor" means an employer, an association of employers, a joint apprenticeship committee or an organization of employees that has an approved apprenticeship program registered with the council.

"Supervision of apprentices" means any supervisor/foreman/journeyworker/highly skilled mentor may be counted for direct supervision of an apprentice as long as they are of the same trade or occupation as the apprentice.

~~"Supervisor of apprentices" means the person designated by the sponsor to perform the duties outlined in the standards of apprenticeship.~~

"Work processes" means a defined industry specific skill set that must be mastered in the work environment during the term of the apprenticeship.

16VAC20-20-40. Standards for apprenticeship programs.

An apprenticeship program to be eligible for registration with the Virginia Apprenticeship Council shall conform to the following standards:

A. The program is an organized written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an apprenticeable occupation and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

B. The program standards contain the equal opportunity pledge and, when applicable, conform with all other requirements in accordance with the Virginia State Plan for Equal Employment Opportunity in Apprenticeship and provisions concerning the following:

1. The employment and training of the apprentice in an apprenticeable occupation.

2. A statement that on or after the date the standards of apprenticeship are duly executed, it shall be the policy of the sponsor that all apprentices employed in the occupation covered herein shall be governed by the terms and conditions of the standards of apprenticeship, a copy of which will

be provided for the sponsor who will make it available to the apprentice for review, upon request.

3. The minimum qualifications required by a sponsor for persons entering the apprenticeship program, with an eligible starting age of not less than 16 years.
4. A provision for the granting of advanced standing or credit on the term of apprenticeship for previously acquired experience, training or skills for all applicants equally, with commensurate wages for any progression step so granted. Credit will be granted only after the record of the apprentice has been reviewed by the sponsor's supervisor of apprentices.
5. The placement of an apprentice under a written apprenticeship agreement, which agreement shall conform to the standards for apprenticeship agreements as stated in 16VAC20-20-50.
6. A term of apprenticeship of not less than 2,000 hours of work experience, consistent with training requirements as established by industry practice and a statement that overtime hours worked by the apprentice will or will not be credited to the term of apprenticeship.
7. Provisions for an initial probationary period of not less than 500 clock hours and no more than 2,000 clock hours of employment and training, during which time termination of the apprenticeship agreement may be effected by the council upon written notification from either party. Full credit will be given for the initial probationary period toward completion of the apprenticeship program.
8. The designation of the ~~supervisor of apprentices~~ coordinator of apprenticeship whose duties shall include:
 - a. Maintaining adequate records of the progress of each apprentice;
 - b. Assurance of qualified training personnel and adequate supervision on the job;
 - c. Making reports as required at specified intervals regarding the aptitude, skill and progress of each apprentice;
 - d. Assurance the apprentice is given instruction in safe working methods in each operation as it is encountered throughout the term of apprenticeship;
 - e. Making arrangements with the local ~~vocational education authorities~~ related instruction provider for the required related instruction;
 - f. Such other duties as may be necessary in developing and maintaining an effective apprenticeship program.
9. An outline of the work processes in which the apprentice will receive supervised work experience on the job and the allocation of the approximate time to be spent in each major process.
10. Provision for organized, related and supplemental instruction in technical subjects related to the trade. Such instruction may be given in a classroom through trade industrial courses or correspondence courses of equivalent value, or other forms of self-study. A minimum of 144

hours is recommended for each year of apprenticeship.

11. Provision for a periodic evaluation of each apprentice's progress in job performance and related instruction prior to the expiration of each wage period. Should such a review reveal a lack of interest or ability on the part of the apprentice, the apprentice will be informed of the deficiency and may be placed on probation for a sufficient period of time to determine improvement or failure. At the end of the probationary period, if the apprentice has not shown acceptable improvement, the apprentice agreement may be suspended or revoked. The sponsor will provide written notice of the final action taken to the apprentice and the Virginia Apprenticeship Council.

12. A statement that hours of work for apprentices shall be the same as for other employees in the trade and whether time spent at related instruction will or will not be considered as hours of work.

13. A progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired and established in accordance with federal and state wage laws.

14. Provisions concerning the ratio of apprentices to journeymen.

a. The minimum numeric ratio of apprentices to journeymen shall be 1:1 except as noted in subdivision B 14 b of this section. Individual program sponsors shall propose, as part of their apprenticeship standards, a ratio of apprentices to journeymen consistent with proper supervision, training, safety and continuity of employment, applicable provisions in collective bargaining agreements, and applicable requirements of recognized licensing boards or authorities.

The Department of Labor and Industry, Division of Registered Apprenticeship Training, will review and approve all ratio proposals based on the explanation and justification provided by each program sponsor. Consideration will be given, but not limited to, the following factors:

- (1) Evidence of ability to assure proper supervision, training, safety, and continuity of employment under the proposed ratio;
- (2) The specific nature of the industry and occupation involved;
- (3) Proposed hiring or upgrading of minorities, females, older workers, dislocated workers, exoffenders, the handicapped, and veterans;
- (4) Evidence of ability to train under the proposed ratio.

If a ratio proposal is disapproved by the division, the sponsor may appeal, in writing, the decision to the commissioner. If the commissioner upholds the decision of the ~~Apprenticeship Training~~ Division of Registered Apprenticeship, the sponsor may appeal to the State Apprenticeship Council. The decision of the council shall be final.

b. Apprenticeship ratio on Davis-Bacon worksites. Effective July 1, 1993, the minimum numeric ratio of apprentices to journeymen for individual program sponsors and for individual contractors

signatory to joint and nonjoint apprenticeship programs performing work under the Davis-Bacon and related federal prevailing wage laws shall be worksite-specific and shall be as follows:

One apprentice to the first ~~journeyman~~; journeyworker (1:1);

Two apprentices to the first two ~~journeymen~~; journeyworkers (2:2);

Two apprentices to the first three ~~journeymen~~; journeyworkers (2:3);

Two apprentices to the first four ~~journeymen~~; and journeyworkers (2:4);

Two apprentices to the first five journeyworkers (2:5);

Three apprentices to the first six journeyworkers (3:6);

One additional apprentice for each two ~~journeymen~~ journeyworkers thereafter (3:7; 4:8; 5:10; 5:11; 6:12; etc.).

NOTE: The Virginia Apprenticeship Council considers all registered apprentices as apprentices until such times as the apprentices have either satisfactorily completed their apprenticeship program or have been cancelled by the sponsor from the apprenticeship program.

The ratio for service trucks on Davis-Bacon worksites shall be one apprentice to one journeyman.

Bids submitted for Davis-Bacon work on or after July 1, 1993, must observe these minimum ratio requirements.

These ratio provisions shall apply until either the Congress of the United States of the U.S. Department of Labor mandate different or uniform ratios for Davis-Bacon work.

c. Other requirements related to Davis-Bacon worksites. Sponsors shall notify the Virginia Apprenticeship Council within 30 days of receipt of a citation alleging a violation of the Davis-Bacon Act affecting an apprentice. The notice must be in a form specified by the policies of the Apprenticeship Council. Failure to report citations shall be an omission for which council may consider requiring a remedial action plan or deregistration of the sponsor's program.

The Apprenticeship Council may deregister sponsors who receive final orders of the U.S. Department of Labor or the courts confirming willful or repeated violations of the Davis-Bacon Act affecting registered apprentices.

The effectiveness of the numeric ratio approved for individual program sponsors will be examined every two years during the program sponsor evaluation process.

15. A procedure for lay-off, suspension, cancellation and reinstatement of apprentices. Apprentices may be laid off in the commensurate ratio of apprentices to journeymen. Provided, however, any apprentice laid off shall be offered reinstatement in the seniority standing before any new apprentices shall be registered. Where there is a collective bargaining agreement providing for lay-off procedures for apprentices, it shall prevail over the above stated procedures.

The council will be notified in writing of all lay-offs, suspensions, cancellations and reinstatements. The notice will state the reason for the specific action.

16. A statement that if and when the sponsor is no longer able to fulfill his obligations for the training of an apprentice, the apprentice may be transferred or registered with credit for previous training to another sponsor.

17. A statement that the sponsor will notify the council of persons who have successfully completed the apprenticeship program and request the council to prepare a Certificate of Completion for issuance to each person.

18. A statement that the sponsor shall instruct the apprentice in safe and healthful work practices and shall insure that the apprentice is trained in facilities and other environments that meet the Virginia Occupational Safety and Health Standards for General Industry and the Construction Industry, developed pursuant to the Federal Occupational Safety and Health Act.

19. A statement that in the event a difference of opinion should arise as to any provision of the apprenticeship agreement, either party to the apprenticeship agreement may consult with the council for clarification of the matter in question.

20. The sponsor's assurance that any modification or amendment of the apprenticeship program will be promptly submitted to the council. Any such modification shall be approved by the council and such modification shall not alter or affect apprenticeship agreements in effect without the consent of all parties affected.

21. A statement that the sponsor may have the program cancelled by submitting a written request to the council.

22. A statement that the apprenticeship program may be cancelled by the council if the program is not conducted in accordance with this chapter.

23. A statement identifying the Virginia Apprenticeship Council as the registration agency which agency is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor.

24. A statement identifying the apprentice's responsibilities as an employee.

16VAC20-20-50. Standards for apprenticeship agreements.

The apprenticeship agreement shall contain explicitly or by reference:

1. Names and signatures of the contracting parties (apprentice and sponsor) and the signature of a parent or guardian if the apprentice is a minor.
2. The date of birth, sex, race, social security number and veteran status of the apprentice.
3. Name and address of the sponsor, apprentice and the Virginia Apprenticeship Council.
4. The trade ~~or~~, craft, or occupation in which the apprentice is to be trained, and the beginning date and duration of the apprenticeship.

5. The number of hours to be spent by the apprentice in work on the job and the number of hours to be spent in related or supplemental instruction.

6. A schedule of the work processes in the trade or industry ~~divisions~~, or occupation in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A graduated scale of wages to be paid the apprentice contingent upon satisfactory performance and whether or not the apprentice will be paid for attendance at related or supplemental instruction.

8. Statements providing:

a. For a specific initial probationary period conforming to subdivision B 7 of 16VAC20-20-40;

b. That after the initial probationary period, the apprenticeship agreement may be cancelled or suspended in accordance with subdivision B 11 of 16VAC20-20-40.

9. A reference incorporating as part of the agreement the standards of the apprenticeship program as it exists on the date of the agreement and as it may be amended or modified during the period of the agreement.

10. A statement that the employment and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, sex or physical handicap which is unrelated to the person's qualification and ability to perform the job.

11. The educational level of the apprentice.

12. Credit for previous experience granted the apprentice.

13. A provision that a sponsor who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the council, transfer such contract to any other sponsor, provided the apprentice consents and such other sponsor agrees to assume the obligations of the apprentice agreement.

16VAC20-20-60. Deregistration procedure.

Deregistration of a program may be effected upon the voluntary action of the sponsor by a written request for cancellation of the registration or by the council instituting formal deregistration proceedings in accordance with the provisions of this section.

A. Voluntary deregistration. The council may cancel the registration of an apprenticeship program by a written acknowledgement of a request stating, but not limited to, the following matters:

1. The registration is cancelled at the sponsor's request, and the effective date thereof.

2. That within 15 days of the date of the acknowledgement, the sponsor shall:

a. Notify all apprentices of such cancellation and the effective date;

b. Inform each apprentice that such cancellation automatically deprives the apprentice of

individual registration; and

c. That the cancellation of the program removes the apprentice from coverage for federal and state purposes which require approval of an apprenticeship program.

B. Involuntary deregistration. Deregistration proceedings may be undertaken by the council when an apprenticeship program is not conducted, operated and administered in accordance with this chapter, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship.

1. Council will notify the sponsor in writing of deregistration for one year after receiving substantial evidence in the record of either:

a. Exposing an apprentice to imminent danger in violation of state occupational safety and health standards;

b. Failure to provide supervision that is adequate for the period of training and the type of work being performed, sufficient to achieve the level of skill training of the trade, craft, or occupation and sufficient to reasonably protect the apprentice from serious occupational injury or illness; or

c. Failure to train an apprentice in accordance with approved apprenticeship program standards and knowingly or fraudulently certifying completion of training.

In lieu of deregistration, council may impose on the program sponsor a remedial action plan designed to bring the program sponsor into compliance with this chapter.

In cases where an employer or employers who are signatory to a joint or nonjoint apprenticeship agreement act in such a manner that the program is not conducted, operated, or administered in accordance with this chapter, council may impose on the joint or nonjoint apprenticeship program a remedial action plan designed to bring the individual member employer(s) into compliance with this chapter.

Prior to any vote by council to deregister an apprenticeship program, or to impose a formal remedial action plan, the program sponsor shall be:

a. Notified by registered mail that council intends to take such action, with the alleged infraction(s) indicated; and

b. Afforded the opportunity to present information to council which bears on the decision to deregister or impose a remedial action plan, either in writing or by personal appearance, within 30 days of receipt of notification by council.

The program sponsor shall be informed in writing of council's decision regarding deregistration or remedial action.

2. Implementation of involuntary deregistration. Council may delay the deregistration for six months to afford presently registered apprentices the opportunity to complete their training. No additional apprentices will be registered during this period.

Council may also award credit to apprentices in deregistered programs sufficient to complete their apprenticeship program.

In cases where apprentices choose to change employers, because deregistration will prevent them from completing their apprenticeship, the council, through the Department of Labor and Industry, will use all appropriate means to assist them in securing employment with a registered apprenticeship sponsor.

16VAC20-20-80. Hearings.

All hearings will be held in accordance with the provisions of [§2.2-4019](#) of the Administrative Process Act, ~~Chapter 1.1:1, §9-6.14:11~~ of Title 9, of the Code of Virginia.

16VAC20-20-110. Program sponsor evaluation procedure.

Program sponsors will be evaluated once every two years to determine adequate compliance with the goal of training apprentices under proper supervision, in a safe environment, in such a manner as to acquire the skills of the trade occupation, with fair compensation based on individual progress consistent with average like compensation of similar industries in the area. Such evaluations will be conducted by the Apprenticeship Division staff pursuant to procedures and criteria established by the Virginia Apprenticeship Council. The council may cancel apprenticeship programs where preexisting criteria are not met.

Issues

Please identify the issues associated with the proposed regulatory action, including:
1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
2) the primary advantages and disadvantages to the agency or the Commonwealth; and
3) other pertinent matters of interest to the regulated community, government officials, and the public.
If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage to the public, the agency, the Commonwealth, and the regulated community is that the amendments add new definitions and clarifying language with updated phrasing. There are no disadvantages.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

No changes have been made to the text of the proposed regulation since the publication of the proposed stage.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

No comments were received.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes.

Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
16 VAC 20-20-20. 1. Definitions.	Same.		<p>New Updating Language: <u>Virginia Apprenticeship Council considers all registered apprentices as apprentices until such times as the apprentices have either satisfactorily completed their apprenticeship program or have been cancelled by the sponsor from the apprenticeship program.</u></p> <p style="text-align: center;">and</p> <p><u>“Coordinator of apprenticeship” means the person designated by the sponsor to perform the duties outlined in the standards of apprenticeship.</u></p>
16 VAC 20-20-20. 2. Definitions.	same		<p>New Updating Language:</p> <p><u>“Job site:” means</u></p> <p><u>Construction: New/renovation with an approved building permit, plan of development, contract number, or contractual agreement.</u></p> <p><u>Nonconstruction: The physical area within the walls that services are offered. The location that is identified on the license issued by the licensing board and/or the political locality.</u></p> <p><u>“Supervision of apprentices” means</u></p>

			<p><u>any supervisor/foreman/ journeyworker/highly skilled mentor may be counted for direct supervision of an apprentice as long as they are of the same trade or occupation as the apprentice.</u></p> <p><u>“Work processes” means a defined industry specific skill set that must be mastered in the work environment during the term of the apprenticeship.”</u></p>
16 VAC 20-20-20. 3. Definitions.	Same.		<p>The following language is deleted.</p> <p>“Supervisor of apprentices” means the person designated by the sponsor to perform the duties outlined in the standards of apprenticeship.</p>
Under 16 VAC 20-20-40 B.8.	Same.		<p>The phrase supervisor of apprentices is deleted and the phrase <u>coordinator of apprenticeship</u> is added.</p> <p>The phrase vocational education authorities is deleted and <u>related instruction provider</u> is added.</p>
Under 16 VAC 20-20-40 B. 14.	Same.		<p>B. 14. a. (Second paragraph) <u>Registered</u> is added and Training is deleted.</p> <p>B. 14. a. 4. Apprenticeship Training is deleted and <u>of Registered Apprenticeship</u> is added.</p> <p>B. 14. b. has the following changes. The word journeyman is omitted and the word <u>journeyworker</u> is added; each occurrence of the word journeymen is deleted and, in each instance, replaced by <u>journeyworkers.</u></p> <p>The following language is added:</p> <p><u>Two apprentices to the first five</u></p>

			<p><u>journeyworkers; (2:5)</u> <u>Three apprentices to the first six</u> <u>journeyworkers; and (3:6)</u></p> <p>and</p> <p><u>(3:7; 4:8; 5:10; 5:11; 6:12; etc)</u></p> <p><u>NOTE: The Virginia Apprenticeship Council considers all registered apprentices as apprentices until such times as the apprentices have either satisfactorily completed their apprenticeship program or have been cancelled by the sponsor from the apprenticeship program.</u></p>
16 VAC 20-20-60, B.1.b.	Same.		<p>The wording of subsection B.1.b. has <u>trade</u>, added before and the words <u>or occupation</u> added after "craft."</p>
16 VAC 20-20-110	Same.		<p>The word trade is deleted and the word <u>occupation</u> is added.</p>

Enter any other statement here

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

No applicable alternative regulatory methods exist for this regulation because this regulation is mandated by both federal and state law. Labor Standards for the Registration of Apprenticeship Programs are found under Title 29, Part 29 of the Code of Federal Regulations, which sets out minimum standards to be met by each state’s council or agency to maintain or obtain recognition as a registration agency. Virginia’s Voluntary Apprenticeship Act of 1938, amended in 1978, authorizes the Virginia Apprenticeship Council as the agency to register apprenticeship programs and apprentices in Virginia. See the Code of Virginia (Sections 40.1-117 and 40.1-118).

This regulation is consistent with health, safety, environmental, and economic welfare in Virginia and will not have an adverse impact on small business.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation should strengthen the authority and rights of parents in the education, nurturance, and supervision of their children by allowing parents who are skilled workers to earn sufficient income to educate, nurture and supervise their children. Furthermore, this regulation is expected to have a positive effect on the institution of the family and family stability because a skilled worker has the ability to be employed as long as he/she is able to work in the trade and keeps his/her skills and educational qualifications current. Thus, this regulation and the registered apprenticeship program encourage economic self-sufficiency, self-esteem and the assumption of responsibility for oneself and one's family.

To the extent that earning a reasonable income would strengthen the marital commitment, this regulation should accomplish that goal.

This regulation should facilitate an increase in disposable family income for the families of persons who complete registered apprenticeship programs.